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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,527	07/07/2003	Damon Gerard van Opdorp	NZ010	9117

7590   07/09/2007

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ART UNIT	PAPER NUMBER
2167	

MAIL DATE	DELIVERY MODE
07/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	10/614,527	VAN OPDORP, DAMON GERARD
	Examiner Michael D. Pham $\mathcal{M.P.}$	Art Unit 2167	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

THE REPLY FILED <u>22 June 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: <u>none</u>.

   Claim(s) objected to: <u>none</u>.

   Claim(s) rejected: <u>1-52 and 55</u>.

   Claim(s) withdrawn from consideration: <u>none</u>.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
   <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's assert the following (numbered):
1. Applicant's assert the following on page 12. That Carpentier et. a. merely teaches checking the integrity of data files and does not provide an indication of the integrity of applications, for example the integrity of a database and not the data therein. Therefore, Carpentier is not in the same field of endeavor.

In response, the examiner respectfully disagrees with Applicants that Carpentier does not provide an indication of the integrity of applications. First, applicants claimed limitation merely provides an indication of the integrity. All that is required is some verification. Second, as applicants agree, Carpentier discloses integrity of files. Therefore, Carpentier at least meets the requirment of an indication of integrity of files.

In response, the examiner respectfully disagrees that Carpentier merely teaches integrity of data files. Carpentier also discloses that these files may be multimedia files, fragments, records of structured databases, and digital information (such as a computer file) used wholly or in part by application or device.

However, applicant's disagree that an application is broad enough to read on a mere file. However, by definition a computer file is an application that has been given a name. Carpentier is therefore within applicant's field of endeavor because Carpentier provides as applicant's agree indication of integrity of files. The mere difference between a file and an application is that a file is an application that has been named, while an application is a software program, One of ordinary skill in the art would know that an application, is made of computer files containing code. Simply put, a file is an application. Therefore, Carpentier anticpates providing an indication of the integrity of applications.

2. Applicant's assert the following on page 12. William's provides no such suggestion or motivation of providing an indication of the integrity of anything. That Williams is a translation or standardization system which does not provide an indication of integrity of an application so is not in the same field of endeavor as the present application. That indeed, Williams is not concerned about the integrity of any applications, but is only concerned with providing universally accessible data regardless of the application.

In response, the examiner respectfully disagrees with Applicants that Williams is not in the same field of endeavor as the present application.

Applicant's field of endeavor is directed towards problem of applications being able to use a database. (applicant specificaton page 1 lines, 5-6, eg. database for use by an application). Applicant's specification further provides extracting schema metadata from a database (applicant specification page 1)

Similarly, Wlliams is directed towards the problem of applications being able to use a database (Williams, col 2 lines 57-58). Further describing methods including obtaining information pertaining to database schema (col. 2 lins 59-62).

While the inventive step and novelty are different, both Williams and Applicant's application are within the same field of endeavor. That is, while Applicant's inventive step is to verify the integrity of databases for use by an application, and Williams translates database schema for use by an application. Both systems, Applicant's specification and Williams' disclosure, are still within the field of endeavor because they both are directed to problems of applications being able to use a database.

3. Page 12 and 13, there is no suggestion to combine.

In response, the examiner respectfully disagrees with Applicants that there is no suggestion to combine. Both Carpentier and Williams are within the same field of endeavor as Applicants disclosure. For clarity,

Claim 1 states the following limitations anticipated by Carpentier:

"i. obtaining a first reference reduced representation by:" [figure 2 element 222, a reference reduced representation]

"b. creating the first reference reduced representation of the first obtained schema metdata using an algorithm;" [figure 2 elements 222, 224, 226, 228, 230. Col. 11 lines 34-36, discloses a file 222 (a first reference reduced representation of) includes a file name 224 (obtained schema metadata), a time and date stamp 226(obtained schema metadata), a size 228 (obtained schema metdata). It is obvious to one of ordinary skill in the computer arts that in creating a descriptor file there is an algorithm to follow. An algorithm is just a series of steps to execute a task in this case creating a descriptor file (figure 1 element 106) when generating an eclip. Figures 8 and 9 disclose that the e-clip is embodied by programs in memory executed by a processor]
"c. storing the first reference reduced representation;" [figure 2 element 200, stored in descriptor file]

"iii. creating a second reduced representation of the second obtained schema metata using the algorithm;" [figure 2 elements, 232, 234, 236, 238, 240; element 232 (a second reduced representation), 234, 236 and 238 (obtained metadata using the algorithm). It is obvious to one of ordinary skill in the computer arts that in creating a descriptor file there is an algorithm to follow. An algorithm is just a series of steps to execute a task in this case creating a descriptor file (figure   1 element 106) when generating an eclip. Figures 8 and 9 disclose

that the e-clip is embodied by programs in memory executed by a processor]

"iv. comparing the first reference reduced representation with the second reduced representation to provide an indication of the integrity of the secondary application; and" [col. 9 lines 66-67, descriptor file still ensures the integrity of the data in the descriptor file. col. 12 lines 60-62, files in descriptor file are broadcasted, and the files are inserted into the directory structure specified in the descriptor file once they are received and verified. col. 12 lines 50-51, comparing the results to the file identifiers listed in the descriptor file. If any files fail the verification test, then the files are reqeusted again and an appropriate notification is generated.]

"v. controlling execution of the primary application dependent on the indication" [Col. 13 lines 17-22, control is transferredand it is indicated that all of the eclip files have been obtained].

Carpentier further discloses col. 5 lines 35-38 that the metadata about database records cataloged in a descriptor file can be used to identify tables or files to which those records pertain.

Carpentier does not explicitly disclose "a. applying a process to obtain first schema metadata representative of a database structure of a database from the secondary application;" and "ii. during execution of a primary application, applying the process to obtain second schema metadata representative of the database structure from the secondary application;"

On the other hand, Williams discloses col. 7 lines 3-7 that if a user desires to access data from a plurality of databases which are all diferent from different vendors and having different object properties, the method of the present invention seeks out the definitions or schemas from these databases. Further disclosing col. 4 lines 52-58 that the definitional elements of the databases to determine data types and interrelationships between relational data elements. These data interrelationships and data types are assembled in a vendor-neutral standardized view of the database schemas and the plurality of all possible logical objects contained therein in the databases are created. That col. 4 lines 60-62, a user can easily select a subset of all possible objects represented by the databases through use of a simple and intuitive graphical interface. That col. 2 lines 59-62, obtaining information pertaining to the database tables and the interrelationships between database tables is well known.

Williams therefore dicloses "applying a process to obtain first schema metadata representative of a database structure of a database" (i.e. datatypes between relational data elements) "from the secondary aplication" (i.e. element 20a). Further disclosing "during execution of primary application" (i.e. user can easily select a subset of all possible objects. Hence all at one time), "applying the process to obtain second schema metadata representative of the database structure" (i.e. data interrelationships between relational data elements) "from the secondary application" (i.e. element 20a).

Simply put, Williams discloses the capablility of obtaining different schema metadata representative of database structure all at one time for the same database. Hence suggesting the recited limitation.

Both Carpentier and Williams are within the same field of endeavor as Applicant's invention as shown above. Furthermore, it would have been obvious to one of an ordinary skill in the art at the time the invention was made to apply Williams disclosure of obtaining information pertaining to the database tables and the interrelationships of the database tables to the disclosure of Carpentier for the purpose of improving Carpentier's system. Carpentier's system allows for collecting database information that might include selected database records from a relational, hierarchic, network, or other format database (col. 4 lines 34-36). That the system is able to rebuild structures of directories and/or databases. However, Williams further improves upon this by allowing access to different databases to transmit information from a databases on a server to a client (Williams, abstract), thereby allowing access after storage on a distrubted system and expanding the system of Carpentier to multiple database interaction.

4. page 13. That neither Carpentier and Williams teach or suggest providing an indication of the integrity of an application.

In response, the examiner respectfully disagrees. First, it was shown that Carpentier discloses integrity of an application, see above in 1. Second, providing an indication of the integrity of an application is ill defined with respect to the claims, and contains very broad meaning. It is respectfully submitted Applicants should be more specific of what is meant by integrity of an application. Lastly, Carpentier discloses indication of the integrity of an application as claimed. As seen above, indication is made if files are verified or not verified.

5. page 13. That neither Carpentier and Williams teach or suggest creating first and second reduced representations of schema metadata and comparing them to provide an indication of the integrity of an application. That there is a difference between schema metadata and metadata. That There is no teaching or suggetion of creating a first or second reduced representation of the schema in Williams let alone comparing them.

In response the examiner respectfully disagrees. Carpentier discloses a first and second reduced representation of schema metadata, see figure 2 elements 222 and 232, which disclose a first and second reduced representation of schema metadata. col. 12 lines 48-51, discloses comparing the results to the file identifiers listed in the descriptor file. That is, the first and second reduced representation of schema metadata are compared by using element 230 of 222, and 240 of 232. Further disclosing col. 12 lines 51-54, if any files fail the verification test, then those files are requested again an appropriate notification is generated (i.e. indication of integrity).

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6. Page 13. That Carpentier does not teach comparing first and second reduced representations of schema metadata to provide an indication of the integrity of an application.

In response, the examiner respectfully disagrees. see above 5.

7. Page 14.-15. Carpentier does not enable the system to provide an indication of the integrity of an application for the simple reason that the directory information is obtained and placed in the descriptor file at the same time as creating the unique ID for the eClip.

In response, there is nothing in the claim that states that anything should be done at a different time. The only requirment in the claim is that "during a primary application, applying the process to obtain second schema metadata representative...". Secondly, asserted claim limitation only requires comparing the first reference reduced representation with the second reduced representation to provide an indication of the integrity of the secondary application. As shown above, a first and second reduced representation of schema metadata are compared, and further provide indication of integrity when verification has been made.

8. Page 14-15. Williams does not provide an indication of the integrity of an application because a result is always obtained that the codes A and B are different. That further in Williams, even if the databases are identical, this does not provide an indication of the integrity of either database but merely shows that both databases have the same structure.

In response, please see above. As it was shown Carpentier discloses indication of the integrity of an application.

9. Page 15. That Carpentier and Williams are silent on comparing the hashes of schema metadata to provide an indication of the integrity of an application. That further it would be necessary to use the results of a comparison of hashes of schema metadata to provide an indication of the integrity of the secondary appplication from where the schema metadata comes, when Carpentier and Williams are silent on providing an indication of the integrity of anything other than the contents of a data file.

In response, the examiner respectfully disagrees with applicants that comparing the hashes of schema metadata to provide an indication of the integrity of the application is silent in Carpentier and Williams. Carpentier discloses comparing the file identifiers listed in the descriptor file. That if any files fail the verification test, then those files are requested again and an appropriate notification is generated.

10. Page 15-16. No motivation or suggestion, and the rejection is based on hindsight. That there is no indication in the prior art or motivation for a person of an ordinary skill to combine the features of the prior art to produce the claimed invention. That it should be noted that the claims should be read as a whole and that the features of the claims cannot be proven to be obvious by merely switching references for one feature in one piece of prior art with another feature in another piece of prior art where there is no motivation to do so.

In response, the examiner respectfully disagrees with applicants that there is no motivation or suggestion to combine the references, and that therefore the references must be considered as a whole. Essentially, what is not explicitly stated in the Carpentier reference is that there is a process to obtain first/second metadata representative of a database structure of a database from the secondary application. However, it was found that Williams disclosed obtaining metadata representative of a database structure such as database types and interrelationships from a database. Hence disclosing obtaining a first/second metadata representative of a database structure of a database from a secondary application. There is motivation for this because while the examples used in Carpentier make reference to files and directory structure, the same or similar application can be applied to databases. As stated in Carpentier, col. 5 lines 35-38, similarly, metadata about database records cataloged in a descriptor file can be used to identify tables or files to which those records pertain. Hence providing suggestion that there is a need for obtaining metadata represenentive of a database structure such as database types and interrelationships from a database.

Lastly, there is further motivation because Carpentier's system allows for collecting database information that might include selected database records from a relational, hierarchic, network, or other format database (col. 4 lines 34-36). That the system is able to rebuild structures of directories and/or databases. However, Williams further improves upon this by allowing access to different databases to transmit information from a databases on a server to a client (Williams, abstract), thereby allowing access after storage on a distrubted system and expanding the system of Carpentier to multiple database interaction.

In response to applicant's argument that Carpentier and Williams is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, as noted above Carpentier and Williams are both within the same field of endeavor as Applicant's disclosure. Further while Carpentier did not explicitly disclose obtaining a first/second schema metdata representative of a database structure of a database from the secondary application. However, Williams was found to disclose that obtaining metadata representative of database structure of a database from the secondary application, by disclosing obtaining metadata representative of a database structure such as database types and interrelationships of database tables. That the motivation is as above, improves data access in distrubted environment as well as expanding the system of Carpentier for multiple database interaction. Furthermore, Williams was reasonably pertinent to Applicant's concerned problem, as not all applications are able to utilize databases of different formats/versions.

Conclusion:

it is to be noted that claims 24 and 46 recite the terms such as "adapted to" and "adapted upon connection to a database". Accordingly, the claims 24 and 46 suggest or makes optional but does not require the steps to be performed or does not limit a claim to a particular structure. See MPEP 2111.04. Limitations, as is, are not positiively being claimed. All that would be required of claim 24 would be a processor and one or more databases; while claim 46 for example would only require an application, memory, and verification enigne. All

of which Carpentier and Williams disclose at the very least in combination if not alone.   The examiner suggests removing such phrases in order to more positively claim the limitations.

Finally, inconclusion Applicant's mainly asserted that the cited references do not disclose comparing the first reference reduced representation with the second reference reduced representation and that there is no indication of the integrity of an application provided. In response, the examiner disagreed. Stating that elements 222 and 232 of figure 2 most certainly are a first and second reference reduced representation and that elements 230 of 222 and 240 of 232 when verified provide an indication of integrity of an application. Applicant's further asserted that an application is different from a file. However, a file is merely a named application, and therefore is broad enough to be the same. No amendments have been made at this time, nor any further specifics of integrity, schema metadata, and application. Accordingly, the rejection is maintained. Lastly, assuming the following claims are positively claimed, claims 24 and 46 contain similar limitation of comparing a reduced representation with another reduced representation and appear that Applicant's provide similar arguments as with the limitation of claim 1. Accordingly a similar response would be made.

CAM-Y TRUONG
PRIMARY EXAMINER

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